

SULLIVAN, HILL, LEWIN, REZ & ENGEL
A Professional Law Corporation
James P. Hill, CA SBN 90478
Christine A. Roberts, NV SBN 6472
Elizabeth E. Stephens, NV SBN 5788
228 South Fourth Street, First Floor
Las Vegas, NV 89101
Telephone: (702) 382-6440
Fax Number: (702) 384-9102

Electronically Filed: June 22, 2011

Proposed Attorneys for Christopher R. Barclay,
Chapter 11 Trustee

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re	)	CASE NO. BK-S-10-27855-BAM
)	
AMERICAN PACIFIC FINANCIAL	)	Chapter 11
CORPORATION,)	
	)	TRUSTEE'S MOTION TO EMPLOY
Debtor.	)	SULLIVAN HILL LEWIN REZ &
	)	ENGEL AS GENERAL COUNSEL NUNC
	)	PRO TUNC
)	
	)	Date: July 26, 2011
	)	Time: 10:00 a.m.
	)	Ctrm: BAM - Courtroom 3
	)	Foley Federal Building
	)	300 Las Vegas Blvd. South
	)	Las Vegas, NV 89101
	)	Judge: Hon. Bruce A. Markell

Christopher R. Barclay ("Trustee"), the Chapter 11 trustee of the American Pacific Financial Corporation ("Debtor") bankruptcy estate, hereby applies for an order authorizing him to employ Sullivan, Hill, Lewin, Rez & Engel ("Sullivan Hill") as his general counsel *nunc pro tunc*, effective May 16, 2011. In support of this application, the Trustee respectfully represents:

1. On September 21, 2010, ("Petition Date"), the Debtor filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code (11 U.S.C. § 101 et seq.) in the United States Bankruptcy Court for the District of Nevada.

2. On May 12, 2011, this Court entered an Order approving the United States Trustee's Motion to Appoint a Chapter 11 trustee. Thereafter, on May 19, 2011, the Trustee was appointed as the Chapter 11 trustee of the Debtor's bankruptcy estate.

3. Due to the hotly contested nature of this case, Edward McDonald, Esq., counsel for the United States Trustee requested the Trustee set the application for notice and a hearing and suggested they were agreeable to an order shortening time.

4. On June 20, 2011, the Trustee filed a motion to employ Sullivan Hill on order shortening time [*See* Dkt Nos. 332-336]. The Order denying the requested shortened time was entered on June 20, 2011 as Docket No. 337.

5. With this Motion, the Trustee requests that the Court authorize Sullivan Hill to serve as his general counsel in this case. Sullivan Hill employs multiple attorneys possessing experience and skill in bankruptcy and business litigation matters, including as follows:

Attorney	Title	State Bar	Date Admitted	Billing Rate
James P. Hill ¹	Shareholder	California	1979	\$475.00
		Texas	1978	
Christine A. Roberts	Of Counsel	Nevada	1997	\$350.00
Elizabeth E. Stephens	Of Counsel	Nevada	1995	\$350.00

6. The firm and its lawyers represent a valuable resource upon which the Trustee may draw for assistance in such legal matters as: complex bankruptcy issues, including representation of Chapter 7 and Chapter 11 trustees and Chapter 11 debtors in large and complex bankruptcy proceedings, including in bankruptcy and general civil litigation cases involving insurance coverage issues, medical malpractice issues, and product liability issues; real estate transactions; federal and state court receiverships; defending and prosecuting federal and state civil claims of all kinds; and criminal law matters. The Trustee submits that the ability to draw on such resources makes Sullivan Hill especially qualified to serve as his general counsel in this complex bankruptcy case. A copy of Sullivan Hill's "resume" is attached as Exhibit "A" to the declaration of Christine A. Roberts filed in support of this Application (the "Roberts Declaration").

¹ James P. Hill will be submitting a verified petition to be admitted pro hac vice to practice before this Court on this Chapter 11 case. Other attorneys in the firm may also submit such pro hac vice applications if and when necessary for the adequate representation of the Trustee in this case. The Trustee observes that the Debtor's offices are located in Southern California where both the Trustee and Sullivan Hill maintain offices and the Trustee expects various activities in the case to be focused on California law and on records and data maintained in California.

1 7. It is necessary and essential that the Trustee employ Sullivan Hill to provide legal
2 services to the Trustee, including, but not limited to, the following services:

3 i. Specifically:

- 4 (i) To advise the Trustee in his investigation and analysis of the assets of
5 the Debtor's bankruptcy estate, including secured claims against such
6 assets or competing claims to ownership of such assets;
7 (ii) To assist in his investigation of the acts, conduct, assets, liabilities and
8 financial condition of the Debtor, operation of the Debtor's business, if
9 any, and the desirability of continuing it;
10 (iii) To investigate and litigate potential avoidance actions;
11 (iv) To advise, consult with, and otherwise represent the Trustee in
12 connection with such other general, real estate, contract, business, or
13 litigation matters as may be necessary for the duration of this
14 bankruptcy case.

15 ii. Generally:

- 16 (i) To give the Trustee legal advice with respect to his duties and powers
17 in the case;
18 (ii) To assist in his investigation of the acts, conduct, assets, liabilities and
19 financial condition of the Debtor;
20 (iii) To perform such other legal services as may be required including, but
21 not limited to, the filing of Objections, Motions and/or Adversary
22 proceedings as allowed by applicable law.

23 8. Neither Sullivan Hill nor any of its shareholders, associates, or employees has any
24 interest in or connection with the Debtor, any creditors of the Debtor, the United States Trustee, any
25 person employed by the United States Trustee, or any other party in interest, including their
26 respective attorneys and accountants, and the Trustee. In addition, no shareholder or employee of
27 Sullivan Hill holds or represents any interest adverse to the estates, and Sullivan Hill is
28

1 “disinterested” within the meaning of Bankruptcy Code section 327(a). See the Roberts Declaration,
2 ¶ 5.

3 9. The Trustee desires to employ Sullivan Hill on an hourly basis. Sullivan Hill will
4 submit for the approval of the Court periodic fee applications based upon the normal hourly rates of
5 the attorneys and paralegals/legal assistants who provide services in this matter. The current hourly
6 rates for attorneys and paralegals/legal assistants of Sullivan Hill are reflected in the rate schedule
7 attached as Exhibit “B” to the Roberts Declaration.

8 10. Sullivan Hill agrees not to accept compensation for services rendered in these cases
9 except upon application to and order of the Court after noticed hearing.

10 WHEREFORE, the Trustee prays that this Court authorize him to employ Sullivan Hill, *nunc*
11 *pro tunc*, to represent him in this proceeding, and for such other relief as deemed appropriate by the
12 Court.

13
14 Dated: June 22, 2011

15 Submitted By:

16
17 /s/ Christopher R. Barclay
18 Christopher R. Barclay, Chapter 11 Trustee

19 SULLIVAN, HILL, LEWIN, REZ & ENGEL
20 A Professional Law Corporation

21 By: /s/ Christine A. Roberts
22 James P. Hill
23 Christine A. Roberts
24 Elizabeth E. Stephens
25 Proposed Attorneys for Christopher R. Barclay,
26 Chapter 11 Trustee
27
28